



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,618	09/16/1999	ALAN JOHN BRASIER	MUR-V08467	8977

7590 04/19/2002

RATNER & PRESTIA
SUITE 301 ONE WESTLAKES
BERWYN P O BOX 980
VALLEY FORGE, PA 194820980

EXAMINER

PRATT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
----------	--------------

1771

14

DATE MAILED: 04/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-14

Office Action Summary

Application No.

09/397,618

Applicant(s)

BRASIER, ALAN JOHN

Examiner

Christopher C. Pratt

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, declaration, and accompanying remarks filed 2/20/02 have been entered and carefully considered. Applicant's amendment is not found to patently distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Objections

2. Claims 15-19 are objected to because of the following informalities: These claims contain, or depend on a claim, which contains the word "characterized." This term can introduce a question of scope. Applicant is requested to replace this word with "comprising" or "wherein," as the case may be.

Claims 15-19 are also objected to because they contain the word "fibre." Please replace this term with the more conventional U.S. spelling, "fiber."

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeks (5830092) in view of Zocher (3340586), as set forth in the last two actions.

Applicant has cancelled all claims drawn to a needled felt in favor of non-elected claims drawn to a tennis ball comprising said felt. All current limitations concerning the felt and the making thereof were rejected in previous actions and applicant has not presented arguments pointing out the deficiencies in said rejection.

With respect to the current claims Meeks teaches said fabric to be adapted to a cover a tennis ball. It would have been obvious to a person having ordinary skill in the art to "cut or otherwise shape" the felt to cover said tennis ball. Such a modification would have been motivated by the desire to render said fabric suitable for commercial sale and use.

Applicant argues that the instant invention has the "same overall quality as a woven fabric covered ball." Applicant's declaration attests to the same point and provides expert opinion and testing to back up the argument. Said declaration also provides expert opinion stating that the balls of the instant invention are superior to "conventional needled balls." (Conventional needled balls are apparently balls, which have only been needled in the perpendicular direction.) The examiner does not contest applicant's findings, but fails to see how this showing provides evidence against the obviousness of combining the teachings of Zocher with the needled felt tennis ball of Meeks. Is applicant attempting to show unexpected results, the satiation of a long-felt need, commercially success, or a combination of these? Regardless, it is the examiner's position that it would have been obvious to needle the felt of Meeks in multiple directions. Zocher clearly teaches that such a process results in a stronger, more cohesive fabric (col. 2, lines 51-55 and col. 6, lines 49 and 62-65). A stronger more cohesive felt would result in a more durable tennis ball capable of withstanding harder impact.

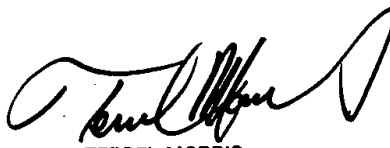
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher C. Pratt
April 15, 2002



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700